

Acton Community Housing Corporation

Nancy Tavernier, Chairman

TOWN OF ACTON

Acton Town Hall

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Acton, Massachusetts, 01720

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8/24/09
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TO: Board of Selectmen
FROM: Nancy Tavernier, Chair
SUBJECT: New 40B information
Date: August 21, 2009

The ACHC is recommending the new five unit 40B proposal located at 99 Parker St. This project is a DHCD Local Initiative Program project also called a Friendly 40B. We have met with the developer Mark Starr and his consultant Dennis Dyer on several occasions and they have met with the Town department heads twice. With a LIP project, both the Chair of the Board of Selectmen and the Chair of ACHC must sign the application that goes to DHCD for the initial approval by the state. DHCD will make a site visit, carefully review the application and pro forma and issue a site eligibility letter which will then allow the developer to apply to the Zoning Board of Appeals for a Comprehensive Permit. This would be expected to occur in late Fall. The last 40B that came before the Board was in July 2008. That was for Lalli Terrace at 442 Mass. Ave. That development is just now under construction.

On August 24, the developer will be presenting the proposed project to the Board. Here is a brief description of the proposal. There is an existing house on the property, which will remain, and four small single family homes will be constructed on the 1.45 acre site. Two of these units will be built in the rear of the lot and two will be built in the front. The homes will be a cottage/farmhouse design with 1400 sf of living area. The design is consistent with the existing farmhouse on site. The development will focus on protecting and enhancing the environmental features on the site as well as maximizing energy efficiency opportunities.

As part of the Comprehensive Permit requirements, 25% of the units must be sold as affordable deed restricted units to first time homebuyers. These working families must meet income and asset guidelines to qualify for purchase. Of the five units, two will be sold as affordable and three, including the existing home, will be sold at a market price. It is the intention of the developer to price these units to be attainable in an effort to attract Acton employees to Town residency. In addition, the developer is proposing to designate one of the affordable units for a returning disabled veteran. The consultant is in discussions with DHCD at this time to work out some of the requirements that would still allow this unit to be restricted going forward. ACHC is supportive of this idea and is working with the team to address various issues that relate to this particular unit designation primarily in the affirmative fair marketing area.

Letters are being sent to all abutters, predominately condo owners in Parker Crossing, to notify them of the proposed development and offering contact information for the developer and ACHC. The developer will be scheduling a meeting with the Parker Crossing Condo Association to address any concerns they may have.

ACHC has voted to sign the LIP application and is strongly in support of this small scale proposal. We urge the Board of Selectmen to support this proposal.

8/24/09
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ACTON CONSERVATION COMMISSION

INTERDEPARTMENTAL COMMUNICATION

To: Town of Acton Board of Selectmen **Date:** August 21, 2009
From: Town of Acton Conservation Commission
Subject: 99 Parker Street – Chapter 40B / LIP Application

The Conservation Commission ("Commission") voted on August 19, 2009 to approve the above-captioned proposal under the Massachusetts Wetlands Protection Act ("Act") alone. Although the Applicant has not yet applied for or been granted a Comprehensive Permit for the proposed Chapter 40B project¹, the Commission assumed that the requirements of Chapter 40B applied, and therefore did not consider the requirements of the Town of Acton Wetland Protection Bylaw ("Bylaw") in evaluating the proposal. Under the Bylaw, approval of the project would have been difficult and perhaps impossible.

The Commission greatly appreciates the Applicant's efforts to seek the Commission's comments on earlier versions of the plans, modify the plans to address some of the Commission's concerns, and produce a project design that is environmentally sensitive, with a comprehensive stormwater management system that creatively incorporates rain gardens and pocket wetlands, and a landscaping plan that includes native, non-invasive plants.

In approving the project under the Act, the Commission essentially confirmed that the project will protect and contribute to the interests of the Act, including notably protection of public and private water supply, protection of groundwater supply, flood control, storm damage protection and prevention of pollution.

The fact remains, however, that if the Commission had been able to evaluate the proposal under the Bylaw, the lack of compliance with Bylaw setback requirements would have been an obstacle to approval. Increasing the stock of affordable housing is an important societal goal, but so, too, is the protection of wetlands and their buffer zone, in this instance by means of the increased Bylaw setbacks that Acton residents approved in 2003. The Applicant's project is very appealing in design and purpose, but the non-compliance with Bylaw setbacks remains a significant concern for the Commission.

¹ The narrative accompanying the Notice of Intent (filed August 11, 2009) states that the project will consist of four new single-family, "affordable" houses, plus the existing structure, which will be renovated. Note, however, that a July 15, 2009 memorandum from the Acton Community Housing Corporation to the Board of Selectmen states that only two of the houses will be "affordable."

Christine Joyce

From: Roland Bartl
Sent: Tuesday, August 11, 2009 2:45 PM
To: Christine Joyce; Manager Department
Cc: Planning Department
Subject: RE: Comments regarding Proposed Veterans' housing at 99 Parker Street

Chris:

The Planning Department staff has seen this proposal in a conceptual manner on a number of occasions and feels that it is a doable project - meaning that we are reasonably certain that detailed design and technical considerations can be worked out at the time of application to the Board of Appeals for a comprehensive permit.

We have not conducted a detailed review on the basis of the comprehensive permit policy chart. The applicant is aware of the policy and appears to want to satisfy as many "plus points" as he possibly can. However, the site for the proposed project is not in a preferred location under the policy - to be within walking distance to a village or commercial center. The small scale of the project (5 dwelling units) largely contains any negative effect of the non-preferred project location.

Planning sees no reason at this time not to support the LIP project proposal.

In the application, on page 2 - change CEO name to current Board of Selectmen Chair.

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

From: Christine Joyce
Sent: Tuesday, August 11, 2009 10:53 AM
To: Engineering Department; Planning Department; Board of Health; Building Department; Natural Resources Department; Dean Charter; Robert Craig; Kevin Lyons
Subject: Comments regarding Proposed Veterans' housing at 99 Parker Street

The Board of Selectmen have been asked to sign the attached LIP application for a proposed 40B project at 99 Parker Street. Please send me your brief comments by August 20th in order to have your comments in the Selectmen's Packet.

8/11/2009

Christine Joyce

From: Doug Halley
Sent: Thursday, August 20, 2009 4:13 PM
To: Christine Joyce
Subject: RE: Comments regarding Proposed Veterans' housing at 99 Parker Street

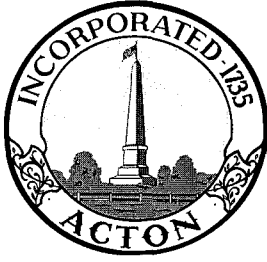
The Health Department has reviewed the proposal at 99 Parker Street and would note that it is proposed to access the public sewer. Currently one betterment unit has been issued to the property but the construction proposed is equal to five betterment units. The Town Bylaws D10. Sewer Assessment Bylaw Paragraph 5. b. states

"The Sewer Commissioners may establish reasonable fees pursuant to G.L. c. 83, § 17, to cover costs of construction of common sewers and other facilities required to serve land previously assessed a sewer betterment based on its existing use and/or its existing zoning potential where such land is later developed and/or subdivided for more intensive use (such as through a comprehensive permit under G.L. c. 40B, a zoning change, a subdivision, an approval not required plan, or other means). This fee shall be calculated based on the number of Sewer Assessment Units attributable to the intensified use of the land minus the number of Sewer Assessment Units originally assessed to the land, and may be adjusted by such other factors as the Sewer Commissioners, by regulation promulgated pursuant to this bylaw, determine to be appropriate. This fee shall be paid before any sewer connection permit or building permit is issued for the intensified use or, if a sewer connection permit or building permit is not required for the intensified use, before that use is commenced. The Sewer Commissioners may, by regulation promulgated pursuant to this bylaw, divide this fee among the land involved."

Based on this the department would recommend that 4 additional privilege units be applied to this proposal and that the privilege payment be submitted prior to the issuance of a building permit or a sewer connection permit.

From: Christine Joyce
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TOWN OF ACTON
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Acton, MA 01720
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Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Manager's Office
From: Engineering Department
Date: August 17, 2009
Subject: Comprehensive Permit – 99 Parker Street

The Engineering Department has conducted a preliminary review of the plans for 99 Parker Street dated August 6, 2009 and has the following comments.

- It is our understanding that a definitive set of plans and supporting documents and calculations will be submitted at a later date so that the Town can conduct a more comprehensive review of the project.
- This project submittal does not include a detailed study of the proposed drainage system such as the gravel filter strips, the open grate over the existing swale, etc... Prior to the final plan approval, the engineer should submit a copy of their detailed drainage calculations so that we can review the adequacy of the proposed drainage system. The project is located with Groundwater Protection District Zone 3. The Town requires all runoff from impervious cover (i.e. pavement) to be funneled into gas trap catch basins and some additional treatment and renovation of the first inch of runoff prior to discharging to wetlands or infiltrating to groundwater.
- The Engineering Department will conduct a more-detailed review of the project when the supporting calculations such as the earth removal and water balance calculations are submitted to the Town.
- All site plans shall have the seal of a Registered Professional Engineer, Registered Land Surveyor, Registered Landscape Architect, Registered Landscape Architect, or some combination of these as appropriate to the data on the sheet.
- Topography and all elevations shall be referenced to the National Geodetic Vertical Datum of 1929 with the location and elevation of the starting bench mark plus at least two additional temporary bench marks on the SITE.

Engineering Department

- We would defer comment to the Fire Chief to ensure emergency personnel can safely access and maneuver within the site. Based on my turning templates for an emergency SU-30 vehicle, the pavement radiuses at Parker Street might need to be modified to allow a fire truck heading north on Parker Street to enter the site without driving over the grass shoulder or obstructing oncoming traffic on Parker Street. It also appears that the turnaround leg in front of unit 4 will need to be modified to allow the fire truck to maneuver on-site without driving over the shoulder.
- Prior to the final plan approval, the applicant will have to propose street addresses for the units on the site. The applicant will need to obtain final approval for the street addresses from the Engineering, Police and Fire Departments.
- The applicant will be required to apply for Permits to Construct within a Public Way for the work shown in the layout of Parker Street such as the relocated driveway apron(s), any new underground utilities, etc...
- There are no sidewalks on Parker Street in the vicinity of this project.
- The plans show some proposed landscaping along Parker Street. I would defer comments related to landscaping to the Tree Warden, but we recommend that any landscaping near the front property line should be placed such that it will not impact the sight distance for drivers. The applicant should ensure that they have adequate sight distance for the 85% speed of the traffic on Parker Street. We would also ask that the landscaping adjacent to the conservation land be situated such that it does not impact the sight distance for drivers exiting the parking area.
- We recommend that an as-built plan showing the buildings, pavement, drainage and utilities be required at the conclusion of construction to show that the project was constructed according to the approved plans.
- The applicant may need a guard rail at the wetland crossing. Based on the plans, the road will be about 7 feet above the existing swale.